

## **REMARKS**

In view of the following remarks, Applicant respectfully requests reconsideration and allowance of the subject application. This amendment is believed to be fully responsive to all issues raised in the October 5, 2004, Office Action.

The Applicant would like to thank the Examiner for granting and conducting a telephone interview on 1/11/2005. During the interview, the inapplicability of the cited Tanigawa et al. reference [USPN 6,618,368] to the claims of the present application was discussed. In particular, the Applicant's representative and the Examiner discussed how modules 1701 – 1708 of FIG. 15 do not correspond to the "streaming data path," which is recited in various ones of the claims of the present application. The Examiner requested that Applicants' position be set forth in a Response to the Office Action.

The following remarks address the claims in the order they were addressed in the Office action.

**Claims 1, 4, 13, 15, 18, and 25** were rejected as being unpatentable over Tanigawa et al., in view of Lodrige et al. [USPN 6,691,175].

Claim 15 reads as follows:

15. (Original) A method to dynamically add at least one first module in a streaming data path of a graph having a plurality of modules, each module being connected to at least one other module to form the streaming data path, the streaming data path having at least one input module located at an input edge and at least one output module located at an output edge, the method comprising:

sending a notification packet through the streaming data path to each module within the streaming data path, the notification packet indicating that data flow has stopped;

detecting when the notification packet is received at each output module;

adding each first module after detecting when the notification packet is received at each output module;

commanding each first module to change to a run state; and

restarting data flow in the streaming data path.

Claim 15 recites “a streaming data path having at least one input module located at an input edge and at least one output module located at an output edge.” In rejecting claim 15, the Office equates the streaming data path recited in claim 15 with modules 1701, 1705, 1604, 1706, 1707 and 1708 (Fig. 15) of Tanigawa. The Office equates the input module of claim 15 with module 1701 of Tanigawa and the output module of claim 15 with module 1705 of Tanigawa.

As discussed with the Examiner in the telephone interview, it is Applicants’ position that the modules 1701, 1705, 1604, 1706, 1707 and 1708 of FIG. 15 do not comprise a streaming data path, as recited in claim 15. While Tanigawa does discuss multiplexed streams of audio data (e.g., col. 2, lines 41-53), Applicants can find no indication in Tanigawa that these multiplexed streams of audio data ever pass through all of modules 1701, 1705, 1604, 1706, 1707 and 1708 of the communication control module 1700 illustrated in FIG. 15.

Claim 15 recites “sending a notification packet through the streaming data path to each module within the streaming data path, the notification packet indicating that data flow has stopped.” In making out the rejection of claim 15, the Office equates the notification packet of claim 15 with the “audio data relay status” described in column 12, line 49 of Tanigawa. The Office goes on to state that “relay status notification process module 1604 retrieves audio data relay status and informs modules 1706, 1707, 1708 of the relay status, lines 48-52 column 12, Fig. 15.”

As noted above, it is Applicants’ position that modules 1701, 1705, 1604, 1706, 1707 and 1708 of Tanigawa do not comprise a streaming data path. As such, the sending of the audio data relay status through 1706, 1707, 1708 of Tanigawa cannot be equated with “sending a notification packet through the streaming data path,” as recited in claim 15.

Furthermore, even assuming arguendo that modules 1701, 1705, 1604, 1706, 1707 and 1708 of Tanigawa were to comprise a streaming data path, which they do not, the audio data relay status passes through modules 1706, 1707, 1708 of Tanigawa, but not through modules 1701, 1705. Claim 15 requires sending a notification packet through the streaming data path to each module within the streaming data path within the streaming data path. Tanigawa simply does not show sending a notification packet through the streaming data path to each module within the streaming data path within the streaming data path, as required by claim 15.

Claim 15 recites “detecting when the notification packet is received at each output module.” As previously noted, the Office equates the output module of claim 15 with module 1705 of Tanigawa. In addressing detecting the notification packet, the

Office states “monitoring is performed to see if relay status notifications have been received, line 67 column 14 to line 1 column 15.” However, there is no indication in the cited portion of Tanigawa that monitoring is performed to see if relay status notifications have been received at module 1705 of Tanigawa. Rather, it appears from the description at column 13, lines 14 – 24, of Tanigawa that any monitoring to see if relay status notifications have been received occurs at the relay status processing module 1707 of Tanigawa, not module 1705.

Claim 15 recites “adding each first module after detecting when the notification packet is received at each output module.” As noted, it is Applicants’ position that Tanigawa does not teach detecting when the notification packet is received at each output module. Since Tanigawa does not teach detecting when the notification packet is received at each output module, Tanigawa necessarily does not teach adding each first module after detecting when the notification packet is received at each output module.

The Applicants have reviewed all of the references cited in the October 5, 2004, Office Action. It is Applicants’ position that neither Tanigawa, nor any other cited references, teach or suggest all of the elements of claim 15, either separately or in combination. As such, it is believed that claim 15 is allowable over the Tanigawa and the other cited references, and such allowance is respectfully requested.

**Claims 16 – 26, and 33 – 35** each depend in some form from claim 15. As such, each of claims 16 – 26, and 33 – 35 is necessarily allowable over the Tanigawa and the other cited references by virtue of this dependency. Each of claims 16 – 26, and 33 – 35

also specify additional features that, together with the claim from which they depend, define subject matter that is allowable Tanigawa and the other cited references.

**Claim 1** reads as follows:

1. (Original) A method to dynamically remove at least one selected module in a streaming data path of a graph having a plurality of modules, each module being connected to at least one other module to form the streaming data path, the streaming data path having at least one input module located at an input edge and at least one output module located at an output edge, the method comprising the steps of:

sending a notification packet through the streaming data path to each module within the streaming data path, the notification packet indicating that data flow has stopped;

detecting when the notification packet is received at each output module;

commanding each selected module to be removed to change to a stop state after detecting when the notification packet is received at each output module;

removing each selected module; and

restarting data flow in the streaming data path.

In rejecting claim 1 the office stated “As to claim 1, it is a method claim of claims 15 and 18. Therefore, it is rejected for the same reasons as claims 15 and 18 above.”

As described with respect to claim 15, neither Tanigawa, nor any other references cite in the Office Action, either separately or in combination, teach or suggest “sending a notification packet through the streaming data path to each module within

the streaming data path within the streaming data path,” or “detecting when the notification packet is received at each output module,” as recited in claim 1.

Applicants would like to point out that the Office has failed to address all of the steps of claim 1. For example, claim 1 recites a step of “restarting data flow in the streaming data path.” This step was not addressed with respect to either claim 15 or claim 18. Claim 1 also recites a step of “commanding each selected module to be removed to change to a stop state after detecting when the notification packet is received at each output module.” This step, including the underlined portion, was not addressed with respect to either claim 15 or 18. As the Office has failed to address all of the steps of claim 1, the Office has failed to establish a prima facie case of obviousness with respect to claim 1. (See MPEP sec. 2142).

As described, neither the Tanigawa nor any other references cite in the Office Action, either separately or in combination, teach or suggest all of the elements of claim 1. Furthermore, in failing to address each of the elements of claim 1, the Office has failed to establish a prima facie case of obviousness with respect to claim 1. As such, it is believed that claim 1 is allowable over the Tanigawa and the other cited references, and such allowance is respectfully requested.

**Claims 2 – 14, and 32** each depend in some form from claim 1. As such, each of claims 2 – 14, and 32 is necessarily allowable over the Tanigawa and the other cited references by virtue of this dependency. Each of claims 12 – 14, and 32 also specify additional features that, together with the claim from which they depend, define subject matter that is allowable over Tanigawa and the other cited references.

## **CONCLUSION**

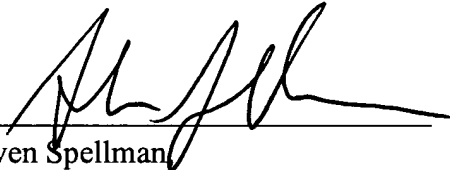
Claims 1 – 26 and 30 - 35 are believed to be in condition for allowance.

Applicant respectfully requests reconsideration and prompt issuance of the present application. Should any issue remain that prevents immediate issuance of the application, the Examiner is encouraged to contact the undersigned attorney to discuss the unresolved issue.

The Commissioner is hereby authorized to charge any additional fees required for consideration of this Amendment to Deposit Account No. 50-0463.

Respectfully submitted,  
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